



Law, liability, and public health emergencies

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Abstract:

According to many experts, a public health emergency arising from an influenza pandemic, bioterrorism attack, or natural disaster is likely to develop in the next few years. Meeting the public health and medical response needs created by such an emergency will likely involve volunteers, health care professionals, public and private hospitals and clinics, vaccine manufacturers, governmental authorities, and many others. Conducting response activities in emergency circumstances may give rise to numerous issues of liability, and medical professionals and other potential responders have expressed concern about liability exposure. Providers may face inadequate resources, an insufficient number of qualified personnel, overwhelming demand for services, and other barriers to providing optimal treatment, which could lead to injury or even death in some cases. This article describes the different theories of liability that may be used by plaintiffs and the sources of immunity that are available to public health emergency responders in the public sector, private sector, and as volunteers. It synthesizes the existing immunity landscape and analyzes its gaps. Finally, the authors suggest consideration of the option of a comprehensive immunity provision that addresses liability protection for all health care providers during public health emergencies and that, consequently, assists in improving community emergency response efforts.

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Resource Description

Communication:

resource focus on research or methods on how to communicate or frame issues on climate change; surveys of attitudes, knowledge, beliefs about climate change

A focus of content

Communication Audience:

audience to whom the resource is directed

Health Professional

Exposure :

weather or climate related pathway by which climate change affects health

Extreme Weather Event

Geographic Feature:

Climate Change and Human Health Literature Portal



resource focuses on specific type of geography

None or Unspecified

Geographic Location:

resource focuses on specific location

United States

Health Co-Benefit/Co-Harm (Adaption/Mitigation):

specification of beneficial or harmful impacts to health resulting from efforts to reduce or cope with greenhouse gases

A focus of content

Health Impact:

specification of health effect or disease related to climate change exposure

Infectious Disease

Infectious Disease: Airborne Disease

Airborne Disease: Influenza

Intervention:

strategy to prepare for or reduce the impact of climate change on health

A focus of content

Medical Community Engagement:

resource focus on how the medical community discusses or acts to address health impacts of climate change

A focus of content

Mitigation/Adaptation:

mitigation or adaptation strategy is a focus of resource

Adaptation

Population of Concern: A focus of content

Other Vulnerable Population: Disaster responders

Resource Type:

format or standard characteristic of resource

Policy/Opinion

Timescale:

time period studied

Time Scale Unspecified

Vulnerability/Impact Assessment:

resource focus on process of identifying, quantifying, and prioritizing vulnerabilities in a system

A focus of content